

REMARKS

The above amendments and following remarks are responsive to the points raised in the Office Action dated September 5, 2008. Entry and reconsideration are respectfully requested.

1. Status Of Claims

Claims 1-65, 68, and 70 were cancelled in a previous response.

In this response, Claims 71-73, 75, 79, 84, and 85 have been cancelled, Claims 66, 69, 74, 76, and 80 have been amended, Claim 94 has been added, and Claims 66, 67, 69, 74, 76-78, 80-83, and 86-94 are pending. No new matter has been included.

2. Examiner Interview

Applicants would like to thank the Examiner for the telephonic interviews conducted October 21, 2008, and November 18, 2008. The Examiner and Applicants' representative discussed the claims and the Office Action dated September 5, 2008. Applicants have attempted to take the Examiner's comments and suggestions into account in formulating this response.

3. Response to Rejection under 35 U.S.C. § 112

Claim 66, 67, 69, 71-81, and 86-91 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

The Examiner states the specification does not describe the standard or test method for determining a retroreflection value.

Claims 66 and 69 have each been amended to recite a “coefficient of retroreflection of at least 30” Support for this amendment may be found at least at, for example, page 10, lines 27-28, of the original specification. Applicants submit that test methods for measuring retroreflection and determining the coefficient of retroreflection are well known in the art. For example, a retroreflectometer is a well-known instrument for this purpose.

Applicants respectfully request that the rejection of claims under 35 U.S.C. § 112 be withdrawn.

4. Response to Rejection under 35 U.S.C. § 103(a)

Claims 66, 67, 69, and 71-88 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,521,551 to Mass (“Mass”) in view of US 6,925,965 to Hurwitz (“Hurwitz”) and US 4,957,335 to Kuney, Jr. (“Kuney”). Claims 89 and 90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Hurwitz and Kuney and further in view of Derwent 1998-365065 to Martin. Claims 91-93 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mass in view of Hurwitz and Kuney and further in view of US 4,348,312 to Tung.

Independent Claims 66 and 69 recite, in part, reflective knitted netting that includes at least one reflective indicator (Claim 66) or at least one indicator comprising at least one colored indicator and at least one reflective indicator (Claim 69):

“extending in the longitudinal direction from said trailing longitudinal end to a location a predetermined distance from said trailing longitudinal end, said predetermined distance having a length at least sufficient to wrap an item and less than the total netting length.”

The Office admits that Mass does not teach reflective netting, but states that Hurwitz teaches retroreflective material that can be formed into a knitted structure, while Kuney teaches optimizing retroreflective brightness.

Hurwitz provides a general discussion of reflective materials and the use of such materials in products such as dog leashes. This broad disclosure, however, does not teach or suggest a reflective indicator as claimed herein. The Office appears to interpret Hurwitz as teaching a general reflective material that can be used for any purpose or in any configuration. However, it is improper to apply Hurwitz in such a manner, especially given the difference in scope between Hurwitz and the claimed configurations.

For at least these reasons, none of the cited references, alone or in combination, teaches or suggests the combinations of Claims 66 or 69. As such, Applicants submit that the rejection of independent Claims 66 and 69 and the claims dependent thereon under 35 U.S.C. § 103(a) was improper and respectfully request that the rejection be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims included herein are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1874-4050. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1874-4050. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

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